

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

DEUTSCHE BANK NATIONAL TRUST	§	
COMPANY, AS TRUSTEE OF THE	§	
REGISTERED HOLDERS OF MORGAN	§	
STANLEY ABS CAPITAL I INC. TRUST	§	
2007-HE7 MORTGAGE PASS-THROUGH	§	
CERTIFICATES, SERIES 2007-HE7	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 1:23-CV-127-MJT
	§	
SEAN ANDRE SIMON, TONYA JORESSA	§	
SIMON,	§	
	§	
<i>Defendants.</i>	§	

**ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The District Court referred Plaintiff's Motion for Default Judgment [Dkt. 9] to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration and disposition.

On November 17, 2023, the Magistrate Judge entered a Report and Recommendation [Dkt. 11] in which she recommended granting (1) a judgment declaring Plaintiff is the owner and holder of Note, beneficiary of Security Instrument and mortgagee as defined under Texas Property Code section 51.001; (2) a judgment declaring that Plaintiff's statutory probate lien against the Property can be enforced by a non-judicial foreclosure at a public auction and that through the foreclosure the Defendants are divested, and the purchaser at foreclosure sale is vested, of all of Decedent's right title and interest to the Property; (3) a writ of possession against any Occupant of the Property if the Occupant fails or refuses to leave the Property after foreclosure or auction; (4) court costs when properly submitted, and (5) attorney's fees when

properly submitted, not as a personal judgment but as an additional debt secured by the Security Instrument. (Doc. #1.)

Judge Stetson further recommend that Plaintiff should either request a hearing on attorney's fees or submit a proper motion within 14 days of any order ruling on this Report and Recommendation, and that failure to do so should result in a final judgment being awarded without an award of attorneys' fees. Judge Stetson recommends denying all other relief.

To date, the parties have not filed objections to the report. The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge [Dkt. 11] is ADOPTED. Plaintiff's Motion for Default Judgment [Dkt. 8] is GRANTED, in part, and Plaintiff is ORDERED to request a hearing on attorney's fees or submit a proper motion within 14 days, or a final judgment will be awarded without an award of attorney's fees.

**SIGNED this 4th day of December, 2023.**



---

Michael J. Truncala  
United States District Judge